

over claims 1, 2 and 5-11 of co-pending U.S. Patent Application No. 10/656,178. These rejections are respectfully traversed.

The Office Action asserts that JP '452, WO '732, Pferrerle and Strader, in combination, would have rendered obvious the combination of all of the features recited in independent claim 1. The analysis of the Office Action fails for at least the following reasons.

None of the applied references, individually or in combination, teach, nor can they reasonably be considered to have suggested, the groups of the cylinder-shaped supports are disposed out of phase, as recited in claim 1.

The Office Action concedes that none of JP '452, Pferrerle nor WO '732 teach this feature. To cure this deficiency, the Office Action alleges that Strader teaches the above feature. The Office Action, on page 4, and in the Response to Arguments, asserts that Strader shows, in the last chamber depicted in Fig. 6, that supports 32, 28 and 30 are allegedly out of phase with respect to the previous chamber C, depicted in Fig. 5.

With reference to Fig. 2, however, Strader teaches a muffler with various points at which cross-sectional views of the muffler in an axial direction are indicated and correspondingly represented in Figs. 3-6. Strader further shows the observation direction to which each cross-sectional view, represented by Figs. 3-6, is oriented. In this regard, Fig. 2 shows that Figs. 3-5 are all viewed from the left-to-right direction, as indicated by the rightward arrows in Fig. 2. In Fig. 6, however, as indicated in Fig. 2, the viewpoint of the cross-sectional view is from the right-to-left direction, as indicated by the leftward arrow in Fig. 2. When viewed in this manner, and in accordance with the Strader disclosure, it is clear that the chambers depicted in Figs. 3-6 are all in phase.

During the November 29 telephone interview, Applicants' representative presented the above arguments to the Examiner. In particular, Applicants' representative explained to the

Examiner that it is the reverse observation direction of Fig. 6 that causes the supports in that figure to only appear out of phase, while those supports are actually in phase. The Examiner indicated that he understood Applicants' position. The Examiner further recommended that Applicants file a formal response presenting the arguments discussed above. The Examiner indicated that, upon submission of a formal response, he would take these arguments into further consideration after reviewing the Strader reference.

Based on at least the arguments discussed above, it is unreasonable to assert that the applied references, in any combination, teach, or would have rendered obvious, the above-quoted feature recited in claim 1.

For at least the foregoing reasons the applied references cannot reasonably be considered to have suggested at least the combination of all of the features recited in independent claim 1. Additionally, claims 2-7, 9 and 10 would also not have been reasonably suggested by the applied references for at least the respective dependence of these claims, directly or indirectly, on an allowable base claim, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-7, 9 and 10 under 35 U.S.C. §103(a) are respectfully requested.

Applicants respectfully request withdrawal of the provisional nonstatutory obvious-type double patenting rejection under MPEP §804 as no other rejections remain.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-7, 9 and 10 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Christopher J. Wheeler
Registration No. 60,738

JAO:CJW/clf

Date: December 10, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461